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COMMITTEE AGAINST TORTURE

Twenty-fourth session

SUMMARY RECORD OF THE 421st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 8 May 2000, at 3 p.m.

Chairman: Mr. BURNS

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 7) (continued)

Third periodic report of Portugal (continued) (CAT/C/44/Add.7)

Conclusions and recommendations of the Committee

1. The CHAIRMAN (Country Rapporteur) read out the following text:

"1. The Committee considered the third periodic report of Portugal (CAT/C/44/Add.7) at its 414th, 417th and 421st meetings on 3, 4 and 8 May 2000 (CAT/C/SR.414, 417 and 421), and adopted the following conclusions and recommendations.

A. Introduction

2. The Committee notes with satisfaction that the third periodic report of Portugal, which was received in a timely manner, conforms to the general guidelines for the preparation of periodic reports. It expresses its satisfaction at the full, detailed and frank nature of the report.

3. The Committee received with interest the oral statement of the Portuguese delegation which elaborated upon events that had occurred since the submission of the report. It noted, in particular, the extension of the Convention to the territory of Macau, which has been confirmed by the Peoples' Republic of China.

B. Positive aspects

4. The Committee notes the ongoing initiatives of the State party to ensure that its laws and institutions conform to the requirements of the Convention.

5. The Committee particularly notes the following developments:

(a) The restructuring of the police agencies which is designed to emphasize the civil features of policing;

(b) The advice that an Inspectorate of Prisons is about to be set up;

(c) The creation of a database to streamline information relating to cases of abuse of public power;

(d) The enactment of regulations governing police use of firearms that reflect the United Nations Basic Principles on the Use of Firearms by Law Enforcement Officials;

(e) The enactment of regulations relating to conditions of detention in police lockups, setting out the minimum standards to be observed;

(f) Acknowledgement by the European Committee for the Prevention of Torture as a result of its 1999 inspection that improvements in prisons have taken place, including the creation of a national drug unit for prisons as well as setting up new prison health units;

(g) The initiation of the practice of prison visits on a monthly basis by magistrates to receive prisoner treatment complaints;

(h) The introduction this year of a new system of police training with a curriculum developed by a board that has members from civil society;

(i) Active measures that have been taken to reduce inter-prisoner violence in Portuguese prisons;

(j) The active dissemination of information relating to the Convention, including publication to the judiciary of the proceedings relating to the second periodic report in an official periodical.

C. Subjects of concern

6. Continuing reports of a number of deaths and ill-treatment arising out of contact by members of the public with police.

7. Continuing reports of inter-prisoner violence in prisons.

D. Recommendations

8. The State party should continue to engage in vigorous measures, both disciplinary and educative, to maintain the momentum moving the police culture in Portugal to one that respects human rights.

9. The State party should particularly ensure that criminal investigation and prosecution of public officers are undertaken where appropriate as a matter of course where the evidence reveals the commission of torture, or cruel or inhuman or degrading treatment and punishment by them.

10. The State party should continue to take such steps as are necessary to curtail inter-prisoner violence."

2. Mr. PEREIRA GOMES thanked the Committee for its conclusions and recommendations, and said that he would submit them to the Portuguese Government, which would take them into account in implementing its policies and submitting its next periodic report.

The meeting was suspended at 3.10 p.m. and resumed at 3.30 p.m.

Third periodic report of Paraguay (CAT/C/49/Add.1)

3. At the invitation of the Chairman, Mr. Canillas, Mr. Ramírez, Ms. Villagra and Ms. Casati (Paraguay) resumed their places at the Committee table.

4. The CHAIRMAN invited the delegation to respond to the questions raised by Committee members.

5. Mr. CANILLAS (Paraguay) said that, although information had already been provided with regard to new legal codes, the new penal legislation relating to torture was not described in the report (CAT/C/49/Add.1). Paraguay was grateful for the work done by both the Rapporteur and the Alternate Rapporteur in studying the Penal Code and Code of Criminal Procedure. The examination of the country's report would enable it to improve the human rights situation. The delegation would try to respond to all the concerns expressed by the Committee and to explain the implications of the changes made to the judicial system as of 1 March 2000, when the Code of Criminal Procedure had come into force.

6. New legislation had been introduced gradually, for example the Penal Code had been implemented through Law No. 1160/97 and the Code of Criminal Procedure had been partially brought into force in July 1999, together with the law on the transition to the system of criminal procedure. Finally, the full entry into force of the Code of Criminal Procedure on 1 March 2000 had enabled even greater progress to be made.

7. The transitional law referred to established a period of three years during which all pending cases instituted in accordance with the Code of Criminal Procedure of 1890 would be concluded.

8. The Public Prosecutor's Office was responsible for investigating punishable acts and promoting activities to combat crime at a public level. It was also responsible for the functional direction and supervision of the staff and administrative sections of the national police force in relation to investigations into punishable acts. The maximum duration of trials was three years and for pre-trial detention two years.

9. Since the new legislation had come into force, criminal judges had been renamed penal judges and had different duties. The various competent jurisdictional bodies were the Supreme Court of Justice, appeal courts, sentencing courts, penal judges, executing judges and peace judges. Sentencing courts could have from one to three members. Judges working alone were competent to deal with sentences of up to two years, compensation for damage and appeals against sentences handed down by peace judges. Courts with three judges were competent to deal with all other punishable acts. Executing judges were responsible for monitoring the execution of sentences passed.

10. As part of the reorganization of institutions, a joint commission had been set up comprising the Supreme Court of Justice, the Public Prosecutor's Office, the Department of Public Defence, the National Police and the Directorate-General of Penal Institutions. The joint

commission helped to bring cases instituted under the former Code into line with the new penal system and to consolidate that system. Similarly, a transitional structure had been put in place for the settlement of such cases.

11. Differing numbers of judges operated throughout the country, including settlement judges who, under the responsibility of the Supreme Court of Justice, were entrusted with the task of implementing a programme for settling cases brought under the former Code of Criminal Procedure of 1890. With the introduction of the new Code, eight convictions had been secured in a period of less than two weeks through the abbreviated penal procedure. Thirty-eight per cent of the people concerned in such cases had no restrictions imposed on their freedom, while 25 per cent of them were detained on remand.

12. Ms. VILLAGRA (Paraguay), referring to Mr. González Poblete's question about the Office of Public Defence Counsel, said that the entity created in 1999 was the General Defence Counsel Office and was attached to the Supreme Court of Justice. The lawyers working in the Office had the title of Public Defence Counsel, which replaced the old one of defence lawyers for poor suspects. The General Defence Counsel had two deputies, one dealing with civil cases and the other with criminal cases, two coordinators in the national capital and eight in the regions, covering the 140 legal districts, whose number was increasing in line with population expansion.

13. With regard to the concern expressed concerning the availability of legal assistance for victims of torture, Public Defence Counsel examined the cases of people prosecuted for various offences and passed on the complaints made to the Public Prosecutor. In accordance with article 15 of the Code of Criminal Procedure, all punishable acts could be prosecuted ex officio by the Public Prosecutor's Office. All cases of torture were therefore dealt with by criminal prosecutors, irrespective of whether the victims were on trial.

14. Although executing judges had not yet been appointed, according to the Law on the transition to the system of criminal procedure the duties of those judges were carried out by judges handing down sentences or by an appointed member of the sentencing court.

15. With regard to judges, appointments were made by the President of the Criminal Chamber of the Supreme Court of Justice in the capital and by the District President in the regions. Executing judges would in fact be appointed during the current year by competitive examination.

16. In response to the question raised regarding the deficiencies in the compensation provided by Law No. 838/96, she said that the law established a scale of compensation for victims of torture committed during the dictatorship, based on the length of time spent in arbitrary detention and the physical and psychological harm inflicted on the victims. Although the law represented a step forward, its scope was admittedly limited to victims of torture during the dictatorship (1954-1989) and did not cover all forms of torture. For all acts of torture committed after that date, other criminal laws recognized the right of the victims to take legal action in ordinary courts with a view to requesting compensation for their injuries and punishment for those responsible. The Code of Criminal Procedure did not, however, say

anything specific with regard to compensation for torture. The system did not provide legal assistance for victims, but proceedings for civil damages could be instituted where convictions had been made.

17. With regard to responsibility for compensation, in the first instance individual victims must take legal action against those who had inflicted the suffering, although the State's secondary responsibility was recognized in that it had to account for any illegal acts committed by public officials. The State accordingly compensated individuals for harm caused to them but then had the duty to recover any payments it made from those personally responsible for acts of torture. In practice, victims of torture had recourse to the Public Prosecutor's Office which took immediate action. Acts of torture were also reported to the Human Rights Commission of the Chamber of Deputies, which employed a legal team responsible for reporting allegations to the Public Prosecutor's Office.

18. An Ombudsman would shortly be appointed from a list of three candidates. Only one of them, Heriberto Alegre, was backed by national human rights organizations. The delay in appointing the Ombudsman was due to the difficulty in obtaining the necessary two-thirds majority in the Chamber of Deputies, where preferences tended to be governed by party considerations. The term of office of the Ombudsman and Deputy Ombudsman was to be five years, coinciding with the term of office of the national Parliament. As the current parliamentary term would end in 2003, the Ombudsman's initial appointment would also end in that year, after which the incumbent would be re-elected or replaced but would continue in office until the new election was held. Similar cases could be cited of members of the judiciary who continued to carry out their duties by tacit extension until their successors were appointed. The law provided that the Ombudsman could be removed from office only by impeachment proceedings.

19. Citing penal statistics she said that the percentage of accused persons sentenced to prison terms had risen since the submission of the initial report and currently stood at 10 per cent. The data related to the various penal establishments, which numbered 13 in all since the recent transfer of the Regional Penitentiary Establishment of San Pedro to the responsibility of the Ministry of Justice. As the budgetary situation improved, the Directorate-General of Penal Institutions attached to the Ministry, would also take charge of other penal centres currently the responsibility of the National Police.

20. With the coming into power of the new Government in March 1999, a Commission for the Reform of the Penitentiary System had been established and was completely remodelling the system on true rehabilitation principles. As one of the major problems was overcrowding and inactivity, additional penitentiary facilities would be required if the judicial reforms were to be implemented successfully. Several new centres were being built and two would be completed by the end of the year 2000, although shortage of budgetary resources for construction due to the national economic recession was retarding the implementation of the reforms.

21. One of the first results of the reforms introduced was the transfer of young offenders from the Panchito López Correctional Centre to a new Comprehensive Educational Centre under the Directorate of Protection for Minors. A penitentiary school to be established at that Centre in June of the current year would train prison officers in the subject of human rights legislation.

22. The serving of minimum sentences continued to be the method used to ensure that people could leave prison as soon as possible, owing to the slowness of the old penal procedure, though it was by no means an established institution. It was hoped that the situation would be improved as a result of the changes made to the judicial system.

23. Although the new Code of Criminal Procedure established a time limit for the duration of trials, it did not apply to torture and other crimes against humanity, since under the Constitution and the international human rights instruments ratified by the country, which had precedence over national legislation, they were imprescriptible. The Supreme Court of Justice had established consistent and uniform case law in more than 30 cases concerning the imprescriptible nature of torture.

24. The drafters of the new Penal Code had themselves acknowledged the inconsistency of their definition of torture with that contained in the Convention against Torture. The Government intended to submit an amended text to Congress in due course.

25. There was no inconsistency between articles 90 and 297 of the Code of Criminal Procedure. Article 90 prohibited the police from taking statements from accused persons and article 297 allowed police officers to question suspects solely to obtain information for identification purposes in order to take emergency action where necessary. Article 85 stipulated that the Public Prosecutor must be notified immediately of the arrest of a suspect and that the latter should have the opportunity to make a statement before the prosecutor within 24 hours of his or her arrest.

26. The police were not authorized to decide that sufficient evidence was available to prefer charges. Article 302 of the Code of Criminal Procedure assigned that responsibility to the Public Prosecutor, who reported to the judge in charge of the case.

27. Article 15 of the Code of Criminal Procedure stipulated that complaints could be filed with any Public Prosecutor. Prosecutors also recorded complaints in the course of their investigations or visits to places of detention. Any information regarding acts of torture was referred to the criminal magistrate so that an investigation could be instituted.

28. Notwithstanding the provisions of article 298 of the Code of Criminal Procedure prohibiting torture and ill-treatment by police officers when apprehending or detaining a suspect, the Director-General of the Office of Public Defence Counsel had drawn attention to the persistence of unreported cases of abuse. The immediate intervention of the Office of the Public Prosecutor under the new legislation would ensure that such cases were reduced to a minimum.

29. Complaints were also filed with the Human Rights Committee of the Chamber of Deputies, which referred them to the Office of the Public Prosecutor. Although there were no specific safeguards for complainants, the wide publicity given to such reports in the media afforded protection against harassment. Alleged victims could also count on the support and solidarity of non-governmental organizations (NGOs).

30. The recent establishment of a Human Rights and Humanitarian Affairs Department at the Ministry of Defence to address cases of human rights violations in the armed forces and the

improved performance of the Human Rights Department at the Ministry of the Interior, which dealt with all cases involving the police, augured well for future action on complaints of torture, although both Departments as well as the corresponding body in the Ministry of Justice and Labour needed effective technical support.

31. In two recent cases of torture by guards at the Panchito López Correctional Centre, the prison director had filed complaints with public defence lawyers and an NGO. Administrative proceedings had been initiated against the guards, who had been transferred and deprived of their salaries. Criminal proceedings had also been instituted. However, it was not always possible to remove offending public officials from their posts since they enjoyed considerable impunity under the existing legislation until such time as the case had been decided.

32. There was little incentive to expedite proceedings based on complaints to the Office of the Public Prosecutor. Outside lawyers often had to intervene to secure effective legal action on complaints of torture.

33. A declaration of acceptance of the competence of the Committee against Torture under articles 21 and 22 of the Convention was currently before the Senate, which was responsible for initiating the process of ratification of international instruments.

34. Mr. EDGAR RAMÍREZ (Paraguay) said that the judiciary and the Office of the Public Prosecutor had introduced an intensive training programme for judges and police officers under the new criminal justice system. The courses were compulsory for judges. Non-attendance was viewed as neglect of professional duty and was liable to prosecution.

35. Courses and seminars in human rights and relevant international instruments had been held throughout the country by the Judicial Studies Research Centre, a Supreme Court body. Eighty per cent of judges had taken part in a workshop-based training plan. The Supreme Court and the Human Rights Directorate at the Ministry of Justice and Labour had also organized seminars in conjunction with NGOs for judges and civil servants respectively. The United Nations Office in Paraguay had held seminars for the National Police. However, a great deal more training was necessary for police and military officers and prison wardens, a project for which the technical assistance of the Office of the High Commissioner for Human Rights was urgently required. A National Human Rights Plan would be launched in late May 2000 in the presence of the Secretary-General of the Organization of American States. It would include training courses focusing on the State's obligations under international treaties.

36. Article 75 of the Code of Criminal Procedure contained wide-ranging safeguards for accused persons, who were entitled to be informed immediately of such rights as: non-use of methods inconsistent with their dignity; to be informed of the grounds for their arrest and the official who issued the order, and to be shown the arrest warrant; not to be subjected to techniques or methods designed to limit or impair their free will or to have their physical freedom of movement restricted during legal proceedings, without prejudice to such measures as might be ordered in special cases by the judge or the Office of the Public Prosecutor.

37. As previously noted, article 90 of the Code of Criminal Procedure prohibited the police from taking statements from suspects that could be used in legal proceedings. The participation

of the Public Prosecutor was compulsory whenever a suspect was questioned, even in police stations, a requirement that was vigorously opposed by the police, who claimed that they were unable to offer the public at large effective protection since the introduction of the new system.

38. As soon as a complaint of torture was received by a Public Prosecutor, the Office of the Public Prosecutor was immediately required, pursuant to article 14 of the Code of Criminal Procedure, to open a criminal investigation. However, as the Office still tended to drag its feet, nobody had yet been convicted of torture in recent cases. In cases relating to the period of dictatorship filed after 1989, the initial characterization of the object of the proceedings – abuse of authority, etc. – had been replaced by the new definition of torture and the higher courts had subsequently convicted a number of police torturers, imposing sentences of up to 25 years' imprisonment. They were the only such convictions recorded in respect of the period of dictatorship in the "southern cone" countries (Argentina, Chile, Paraguay, Uruguay). Other individuals convicted of torture in the lower courts of Paraguay included a former chief of police, who had been sentenced to 30 years' imprisonment.

39. Articles 88 and 174 of the Code of Criminal Procedure reinforced the provision of article 17 of the Constitution to the effect that evidence obtained or information extracted in violation of legal norms was inadmissible in legal proceedings. Any conviction based on such evidence was declared null and void. The courts applied those principles consistently, rejecting police reports tainted by any complaint of lack of safeguards.

40. During the period of transition to democracy that had begun in 1989, the Office of the Public Prosecutor and the judiciary had taken every legal path available to secure the extradition of the leaders of the dictatorship. Brazil had rejected Paraguay's application for the extradition of former President Alfredo Stroessner on the grounds that he had been given political asylum and Honduras refused to extradite the former Minister of the Interior, Sabino Augusto Montanaro.

41. The presence of public defence counsel was required from the time that an accused person made a statement. In practice, counsel was usually called in when persons held in detention centres affirmed that they were unable to pay for private counsel. As some 90 per cent of accused persons fell into that category, the supply of public defence lawyers fell short of the demand and the system needed substantial reinforcement.

42. Article 262 of the Constitution established the Judicial Service Commission, which was responsible for selecting future judges on the basis of merit and aptitude. It comprised a member of the Supreme Court of Justice, a representative of the Executive, a senator and a member of the lower house, two registered lawyers, and two professors from the law faculties of the National University and a private university with at least 20 years' service. The Commission drew up the shortlist of judges for appointments to the Supreme Court of Justice.

43. Under the Constitution, 3 per cent of the national budget was set aside for the judiciary, a provision that ensured its financial independence. Article 252 of the Constitution stipulated that judges were irremovable in terms of their office, duty station and grade for the duration of their appointment, with effect from their second election to the office of magistrate.

44. Judges of the Supreme Court were proposed by the Judicial Service Commission and appointed by the Senate with the consent of the Executive. They were irremovable until the age of 75 years except through impeachment proceedings.

45. Judges charged with professional misconduct were tried by a special court composed of two Supreme Court judges, two members of the Judicial Service Commission, two senators and two members of the lower house who must be qualified lawyers.

46. Unfortunately, there was no body specifically responsible for the rehabilitation of torture victims. However, the Department for Assistance to Crime Victims at the Office of the Public Prosecutor employed two psychologists and two psychiatrists who performed similar services.

47. The Judicial Standards Act provided for compensation for judicial error. The Supreme Court of Justice earmarked 5 per cent of its income for the purpose.

48. Under the new system, the proportion of convicted persons had risen to over 10 per cent, 38 per cent of persons undergoing prosecution were at liberty and 25 per cent were detained on remand. A constitutional safeguards board had been set up within the judiciary in 1999 to improve the organization of habeas corpus and similar procedures. Among the applications it received and regularly granted, 21 per cent concerned amparo (enforcement of constitutional rights), 50 per cent writs of habeas data and 29 per cent writs of habeas corpus.

49. There continued to be sporadic outbreaks of violence in prisons but preventive action was being taken by the authorities. To prevent violence among inmates, regular searches were conducted for sharp objects that could be used as weapons. When wardens were accused of torture or ill-treatment, administrative proceedings were instituted against them and they were immediately dismissed.

50. The National Human Rights Plan to be launched during the current year provided for the establishment of a Truth and Justice Commission to conduct investigations and submit an official report on victims of the dictatorship.

51. Ms. CASATI (Paraguay) listed a number of individual cases in which allegations of torture and ill-treatment by police officers had been investigated by the Human Rights Department at the Office of the Public Prosecutor over the past two years.

52. Regarding the situation of female prisoners, no acts of sexual abuse had been recorded either at the Buen Pastor Correctional Centre in Asunción or at the Maria Lara prison in Ciudad del Este. During the reporting period, 115 adult females had been brought to trial, resulting in 19 convictions; 26 female minors had been brought to trial and 1 convicted. Only women guards came into direct contact with female inmates. Armed men did work at women's prisons, but only on the perimeter walls outside the main prison building. The Inter-American Commission on Human Rights had stated in its preliminary report that conditions at Buen Pastor were good.

53. With regard to Ms. Gaer's request for clarification of paragraph 20 of the report, the old Penal Code had reflected the discrimination against women that prevailed in society. Although much improved, the new Penal Code still characterized abortion as a crime, and was discriminatory in citing the dignity of women as a reason for changing length of sentence, and in the manner in which it dealt with certain crimes, such as sexual violence, that affected mainly women. That was why paragraph 20 stated that the new Code of Criminal Procedure was as discriminatory as the old Penal Code, inasmuch as it was used to measure the rationality or gravity of criminal activity. By contrast, the procedures introduced under the new Code of Criminal Procedure had markedly improved the situation of accused persons.

54. Mr. CANILLAS (Paraguay) responded to Mr. Rasmussen's questions on young people in conflict with the law, with particular reference to the Panchito López Correctional Centre. With regard to the fires on 11 and 18 February, the administrative authorities had initiated proceedings and the judicial authorities had begun an investigation. Some of the inmates had been transferred temporarily to Emboscada prison, where they were separated from the adult prisoners. It had proved very difficult to find a site for a new facility, the populations of Luque and Itá having rejected the idea despite the suitability of the conditions there. In the short term, the plan was to close down the Panchito López facility completely and move all the remaining young inmates to a new comprehensive Educational Centre at Itauguá. Sixty youngsters had been moved there since 13 March, and the others would follow as new buildings were completed. Only 35 still remained at the old facility, the others having been released. After the fires, arrangements had been made to expedite the trials of the Panchito López inmates so that the facility could be closed down. A detailed progress report on the Itauguá centre was available.

55. Mr. RAMÍREZ (Paraguay), replying to a question put by Mr. Yu Mengjia, said that the compelling problems relating to inequitable land distribution among the rural population had led to serious conflict, including incursions on to private property resulting in legal action to eject the squatters. The police were exploring all means of avoiding violent confrontation, including mediation by members of Parliament and representatives of the Ministries of Justice, Labour and the Interior, the Human Rights Department of the Public Prosecutor's Office, and the Church. Although some members of the rural population had served short prison terms for violating property rights recognized and the Constitution, they had rarely been subjected to torture and maltreatment, since the press, rural organizations and political parties monitored each case carefully.

56. Mr. GONZÁLEZ POBLETE (Country Rapporteur) thanked the delegation for the thoroughness of their replies and the completeness of the latest report, which was far more satisfactory than the initial report. As a result, most of his questions had been answered. However, he was still not satisfied concerning the contradiction between article 12 of the Constitution and article 239 (3) of the Code of Criminal Procedure, with respect to arrest in flagrante delicto. The provisions of the latter seemed to go beyond those contained in the Constitution.

57. Ms. VILLAGRA (Paraguay) said that according to article 137 of the Constitution, its provisions prevailed over all other laws. Thus although, owing to errors made in revising the Code of Criminal Procedure, article 239 (3) constituted a source of potential conflict with the Constitution, the latter always took precedence in practice.

58. The CHAIRMAN said he took it from the reply that article 12 of the Constitution prevailed over article 239 (3) of the new Code of Criminal Procedure, regardless of any conflict that might arise between them.

59. Mr. RAMÍREZ (Paraguay) added that the provision under discussion was used only when there was sufficient evidence that a suspect had participated in a criminal act and if it seemed certain that pre-trial detention was in order. In such cases, the law stipulated that a judge must be informed within six hours.

60. Mr. CAMARA (Assistant Country Rapporteur) said he too was satisfied with the thoroughness and frankness of the delegation's replies. He would still like clarification on two points. Firstly, in connection with article 12 of the Convention, the report stated that the Public Prosecutor instituted proceedings when torture was deemed to have occurred. Was the Public Prosecutor obliged automatically to intervene, or was intervention left to a judge to decide?

61. Secondly, did the law specifically exclude the possibility of using evidence obtained by torture, or were such decisions based on jurisprudence?

62. Mr. RAMÍREZ (Paraguay), replying to the first question put by Mr. Camara, said that if an alleged offence was brought to the Public Prosecutor's knowledge - for example by the press - before the victim had lodged a complaint, a judicial investigation must be launched immediately. Moreover, if a person engaged in trial proceedings claimed to have been tortured, the matter must be immediately referred to the Public Prosecutor. In answer to Mr. Camara's second question, he confirmed that evidence obtained by torture was categorically excluded by law.

63. Ms. CASATI (Paraguay) said that articles 88 and 174 of the new Code of Criminal Procedure defined those methods of obtaining evidence that were prohibited, and also the cases in which proof was excluded. The Constitution itself stated that no one undergoing a criminal trial could be convicted on proof obtained in violation of legal norms. Any sentence which proved to have resulted from such a procedure became null and void.

The public part of the meeting rose at 4.45 p.m.